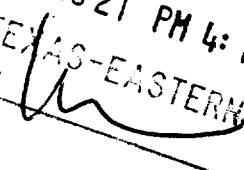


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

FILED-CLERK
U.S. DISTRICT COURT
00 AUG 21 PM 4:14
TEXAS-EASTERN
BY 

NATHAN L. JACKSON, Individually and
on behalf of a putative class of similarly
situated individuals

v.

EAST TEXAS MEDICAL CENTER ATHENS,
EAST TEXAS MEDICAL CENTER REGIONAL
HEALTHCARE SYSTEM, EAST TEXAS
MEDICAL CENTER, EAST TEXAS MEDICAL
CENTER PITTSBURGH, EAST TEXAS MEDICAL
CENTER FAIRFIELD, EAST TEXAS MEDICAL
CENTER RUSK, EAST TEXAS MEDICAL
CENTER CROCKETT, EAST TEXAS MEDICAL
CENTER JACKSONVILLE, EAST TEXAS
MEDICAL CENTER CLARKSVILLE, EAST
TEXAS MEDICAL CENTER TRINITY,
EAST TEXAS MEDICAL CENTER CARTHAGE,
EAST TEXAS MEDICAL CENTER QUITMAN,
EAST TEXAS MEDICAL CENTER MOUNT
VERNON, AND EAST TEXAS MEDICAL
CENTER GRAND SALINE

v.

AETNA HEALTH AND LIFE INSURANCE
COMPANY; AETNA INSURANCE COMPANY
OF AMERICA, AMERICAN FAMILY LIFE
ASSURANCE COMPANY OF COLUMBUS;
AMERICAN NATIONAL INSURANCE
COMPANY; BANKERS LIFE AND CASUALTY
COMPANY; BENEFIT LIFE INSURANCE
COMPANY; CHRISTIAN FIDELITY LIFE
INSURANCE COMPANY; CIGNA
HEALTH-CARE OF TEXAS, INC.;
COMBINED UNDERWRITERS LIFE
INSURANCE COMPANY; CONNECTICUT
GENERAL LIFE INSURANCE COMPANY;
EMPLOYERS HEALTH INSURANCE
COMPANY; FIRST HEALTH LIFE &
HEALTH INSURANCE COMPANY;

CIVIL ACTION No. 6:00CV442

HON. T. JOHN WARD

THIRD-PARTY DEFENDANT
HEALTHPLAN OF TEXAS, INC.'S
ORIGINAL ANSWER TO DEFENDANT
THIRD-PARTY PLAINTIFFS' ORIGINAL
THIRD-PARTY PETITION

27

FORTIS BENEFITS INSURANCE COMPANY;	§
FORTIS INSURANCE COMPANY; GENERAL	§
AMERICAN LIFE INSURANCE COMPANY;	§
GOLDEN RULE INSURANCE COMPANY;	§
THE GUARDIAN LIFE INSURANCE COMPANY	§
OF AMERICA; HARRIS METHODIST HEALTH	§
INSURANCE COMPANY; HARRIS METHODIST	§
TEXAS HEALTH PLAN, INC.; HEALTHPLAN OF	§
TEXAS, INC., HUMANA HEALTH PLAN OF	§
TEXAS, INC.; JEFFERSON PILOT LIFE-AMERICA	§
INSURANCE COMPANY; JOHN ALDEN LIFE	§
INSURANCE COMPANY; JOHN HANCOCK	§
LIFE INSURANCE COMPANY; KAISER	§
FOUNDATION HEALTH PLAN OF TEXAS;	§
LIBERTY MUTUAL INSURANCE COMPANY;	§
MARKEL INSURANCE COMPANY;	§
METROPOLITAN LIFE INSURANCE COMPANY;	§
MUTUAL OF OMAHA INSURANCE COMPANY;	§
UNITED STATES LETTER CARRIERS	§
MUTUAL BENEFIT ASSOCIATION; NATIONAL	§
FINANCIAL INSURANCE COMPANY;	§
NEW ERA LIFE INSURANCE COMPANY;	§
NEW ERA LIFE INSURANCE COMPANY OF THE	§
MIDWEST; PCA HEALTH PLANS OF TEXAS,	§
INC. D/B/A HUMANA HEALTH PLAN OF TEXAS,	§
INC.; PHYSICIANS MUTUAL INSURANCE	§
COMPANY; PIONEER LIFE INSURANCE	§
COMPANY; PRINCIPAL LIFE INSURANCE	§
COMPANY; PROVIDENT LIFE AND ACCIDENT	§
INSURANCE COMPANY; PRUDENTIAL HEALTH	§
CARE PLAN, INC.; PRUDENTIAL HEALTHCARE	§
AND LIFE INSURANCE COMPANY OF AMERICA;	§
THE PRUDENTIAL INSURANCE COMPANY OF	§
AMERICA; RELIASTAR LIFE INSURANCE	§
COMPANY; RESERVE NATIONAL INSURANCE	§
COMPANY; SIERRA HEALTH AND LIFE	§
INSURANCE COMPANY, INC.; STANDARD	§
LIFE AND ACCIDENT INSURANCE COMPANY;	§
STATE FARM LIFE INSURANCE COMPANY;	§
UNICARE LIFE & HEALTH INSURANCE	§
COMPANY; UNITED AMERICAN INSURANCE	§
COMPANY; UNITED HEALTHCARE INSURANCE	§

COMPANY; UNIVERSAL FIDELITY LIFE §
INSURANCE COMPANY; USAA LIFE §
INSURANCE COMPANY; AND WAUSAU §
UNDERWRITERS INSURANCE COMPANY §

**THIRD-PARTY DEFENDANT HEALTHPLAN OF TEXAS, INC.'S
ORIGINAL ANSWER TO DEFENDANT THIRD-PARTY
PLAINTIFFS' ORIGINAL THIRD-PARTY PETITION**

TO THE HONORABLE JUDGE OF SAID COURT:

Third-Party Defendant HealthPlan of Texas, Inc. answers Third-Party Plaintiffs' Original
Petition asserting claims against it as follows:

I.

FIRST DEFENSE

Defendant/Third-Party Plaintiffs' Petition fails to state a claim upon which relief may be
granted.

II.

SECOND DEFENSE

Defendant/Third-Party Plaintiffs' state law claims are preempted by ERISA.

III.

THIRD DEFENSE

Defendant/Third-Party Plaintiffs' claims are barred by the Doctrine of Accord and
Satisfaction.

IV.

FOURTH DEFENSE

Defendant/Third-Party Plaintiffs' claims have been satisfied.

V.

FIFTH DEFENSE

Defendant/Third-Party Plaintiffs' claims are subject to and/or barred by the terms of any relevant and applicable contracts or agreements.

VI.

SIXTH DEFENSE

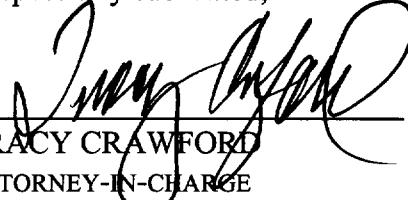
Third-Party Defendant responds to the allegations of Defendant/Third-Party Plaintiffs' Original Petition as follows:

1. The allegations of Paragraph I are denied except that the allegation that the registered agent of HealthPlan of Texas, Inc. is Fulbright & Jaworski, LLP, 600 Congress Avenue, Suite 2408, Austin, Texas 78701.
2. The allegations of Paragraph II are denied.
3. The allegations of Paragraph III are denied.
4. The allegations of Paragraph IV are denied.
5. The allegations of Paragraph V are denied.
6. The allegations of Paragraph VI are denied.

Wherefore, premises considered, Third-Party Defendant HealthPlan of Texas, Inc., requests that Defendant/Third-Party Plaintiffs be denied the relief sought, that this Third-Party Defendant

recover its reasonable and necessary attorneys' fees, expenses and costs of court and for any other relief to which it is entitled.

Respectfully submitted,



TRACY CRAWFORD
ATTORNEY-IN-CHARGE
State Bar Card No.05024000
RAMEY & FLOCK
500 First Place
P. O. Box 629
Tyler, Texas 75710
(903) 597-3301
FAX: (903) 597-2413

ATTORNEY FOR THIRD-PARTY
DEFENDANT HEALTHPLAN OF
TEXAS, INC

CERTIFICATE OF SERVICE

I hereby certify that on this the 21st day of August, 2000, a true and correct copy of the foregoing instrument was placed in the United States certified mail, return receipt requested, with proper postage affixed thereon, to all known counsel of record.



Wayne Sims
Secretary to Tracy Crawford